IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Tr.P(Crl.).No. 14 of 2007()

ST.186/2006 of J.M.F.C.,PALA

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PETITIONER: COMPLAINANT:

MALABAR CHIT FUNDS (PVT.) LTD.,
3RD FLOOR, JAYANTHI BUILDINGS, CALICUT,
REPRESENTED BY P. SATHER,
MANAGING DIRECTOR.

BY ADV. SRI.A.AHZAR

RESPONDENTS: STATE & ACCUSED:

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1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. K.P. RAJAN, S/O.SANKARAN,
CHEMBEKASSERY (H), PAYYADIMEETHAL,
PANTHEERANKAVU P.O., CALICUT.

R1 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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T.P.(Crl.) No. 14 of 2007

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Dated this the 22nd day of February, 2007

O R D E R

The petitioner is the complainant in a prosecution under Section 138 of the N.I. Act. The second respondent is the accused in that crime. The petitioner has its Head Office at Calicut and the second respondent has his place of residence at Calicut. The complaint was filed before the Judicial First Class Magistrate, Pala as the cheque was presented through the branch there. Cognizance has been taken and the case, S.T. 186 of 2000, is pending before that court. The petitioner now wants the case to be transferred to any court at Calicut. It is submitted that the transfer of the case to Courts at Calicut would advance the interests of both parties.

2. The respondent has been served. There is no appearance for the second respondent. The learned counsel for the petitioner submits that the transfer will be for the advantage of both the petitioner/complainant and the respondent/accused as the accused has also his place of residence at Calicut. I must, in these circumstances, assume that the second respondent/accused has no

objection against the proposed transfer and the transfer would advance the interests of convenience to both parties.

3. This transfer petition is, in these circumstances, allowed. S.T.No. 186 of 2006 pending before the Court of Judicial First Class Magistrate -I, Pala is transferred to the Court of Judicial First Class Magistrate -I, Calicut. The parties shall appear before that Court on 26.3.2007. The learned Judicial First Class Magistrate - I, Pala shall forthwith forward the records to the Judicial First Class Magistrate -I, Calicut and shall direct the parties to appear before that Court on 26.3.2007.

(R. BASANT)
Judge

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